

Remarks

This amendment does not result in an increase in the total number of claims pending or in an increase in the number of independent claims pending. And, this amendment is being filed within the period set for response to the outstanding office action. Accordingly, no additional fees are necessitated by this amendment, other than those necessitated by the accompanying Request for Continuing Examination.

For the Claims:

Applicants presented claims 1-2 and 4-20, of which claims 1, 15, and 20 were independent claims. This Office Action rejects claims 1-2 and 5-15, objects to claims 4 and 16-19 as being dependent upon rejected base claims, and allows claim 20. Applicants hereby amend independent claims 1 and 15, and retain claims 2, 4-14, and 16-20 as originally and previously presented. Applicants respectfully requests reconsideration.

On page 2, section 4, this Office Action rejects claims 1, 2, and 6 under 35 U.S.C. 102(b) as being anticipated by Davenport, U.S. Patent No. 4,890,638 (hereinafter Davenport).

Regarding claim 1, this Office Action asserts that Davenport discloses substantially all parts of the present invention as claimed in independent claim 1.

Davenport states (column 6, lines 13-26):

The cover member 90 is secured around the backflow prevention device 11 upon the same concrete foundation or platform member 22, ...by a rectangular frame 105 also made up of elongated angle members 106, 107, 108, and 109. However, each of the angle members 106, 107,

108, and 109 has its bottom horizontal flange 110 projecting laterally outward from its vertical flange 111.

The horizontal flanges 110 are secured to the concrete platform member 11 by anchor hooks 112, which are preferably pre-welded to the bottom surfaces of the horizontal flanges 110 and imbedded in the concrete platform member 22 before the concrete is poured or before it has set.

This Office Action is interpreting the anchor hooks 112 and vertical flanges 111 of Davenport as equivalent to applicants' claimed mounting shank and mounting strap, respectively.

In Davenport, the anchor hooks 112 are completely embedded within the base. However, no part of elongated angle members 106, 107, 108, and 109 is embedded within the base. Substantially, Davenport discloses a surface-mounted enclosure fastened to the base by fasteners (the anchor hooks 112).

Davenport is markedly different from the enclosure claimed by the applicants. In the applicants' enclosure, as claimed in independent claim 1, one component (not merely a fastener) is embedded in the base, to wit, the mounting shank, and another component, to wit, the mounting strap, is partially embedded in the base. The only components of Davenport embedded in the base are the anchor hooks 112, which this Office Action equates with applicants' mounting shank. Davenport simply fails to teach what is claimed in applicants' independent claim 1.

Furthermore, inasmuch as Davenport discloses substantially a surface mounted cage having no embedded components except the anchor hooks 112, which are mere fasteners, there is no suggestion to modify Davenport to use the mounting shank and mounting strap claimed by applicants in independent claim 1. The mounting shank and mounting strap feature of applicants' invention claimed in claim 1 is addressed at solving the very

problem that is suffered by the Davenport structure. Moreover, such a modification would require altering the basic structure of Davenport, and is therefore suggested away from by Davenport. It would not be obvious to one of ordinary skill in the art to modify Davenport, either severally or in combination with other prior art of record, so as to alter Davenport's basic structure.

As discussed hereinafter in conjunction with a 35 U.S.C. 103(a) rejection of section 6 of this Office Action, applicants hereby amend independent claim 1 to more strongly state that the mounting strap is partially embedded within the base. Applicants believe independent claim 1 to be allowable as amended under 35 U.S.C. 102(b) over Davenport. Applicants respectfully request reconsideration of independent claim 1.

Regarding claims 2 and 6, claims 2 and 6 each depend directly from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 102(b) as discussed hereinbefore, applicants believe claims 2 and 6 to be allowable as previously and originally presented by reason of dependency. Applicants respectfully request reconsideration of claims 2 and 6.

On page 2, section 6, this Office Action rejects claims 1, 2, 6, 8, 9, 11, 14, and 15 under 35 U.S.C. 103(a) as being unpatentable over Guardshack Product Line Brochure (hereinafter Guardshack), in view of Griffin et al., U.S. Patent No. 6,532,985 (hereinafter Griffin '985), and further in view of Griffin et al., U.S. Patent No. 6,021,804 (hereinafter Griffin '804).

Regarding independent claims 1 and 15, this Office Action asserts that Guardshack discloses a security enclosure for an apparatus, the enclosure comprising a base and a cage configured to connect to the base and encompass the apparatus, but fails to

disclose a mounting shank embedded within the base and a mounting strap joined to the mounting shank and configured to extend inside the cage. This Office Action goes on to assert that Griffin '985 discloses a mounting shank embedded within the base and a mounting strap joined to the mounting shank, and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Guardshack and 'Griffin '985.

Guardshack reveals no method of attaching the cage to the base at all. Griffin '985 discloses a surface-mount cage attached to the base via fasteners. This is much like Davenport, discussed hereinbefore in conjunction with the 35 U.S.C. 102(b) rejection of independent claim 1.

Guardshack and Griffin '985, either severally or in conjunction, fail to teach either a mounting shank completely embedded within the base or a mounting strap partially embedded within the base.

Nor is there any suggestion in Guardshack and/or Griffin '985 to partially embed a mounting strap within the base. Griffin '985 specifically discloses a surface-mounted cage for use with an independently formed base. This is stressed in column 4, lines 59-60, wherein Griffin '985 states:

The slab 19 may be pre-fabricated or it may be poured around piping P.

In order for slab 19 to be pre-fabricated, it needs be a basic slab, lacking cast-in components. Evidence of this lack is fully supported by the fact that nowhere in the entirety of Griffin '985 is any suggestion made of any type of cast-in component. By contrast, FIGs. 12 and 13 of Griffin '985

specifically depict the use of bolts or lag screws 39S and 38S to secure the cage to the base.

Griffin '985 therefore specifically teaches away from the use of an embedded mounting shank and a partially embedded mounting strap, as claimed by applicants in independent claims 1 and 15. Neither would it be obvious to one of ordinary skill in the art to modify Griffin '985 to use an embedded mounting shank and/or a partially embedded mounting strap, as this would deprive Griffin '985 of its intended purpose of using a pre-fabricated base.

This Office Action asserts that Griffin '804 discloses appropriate lock apparatus. Griffin '804 fails to disclose or suggest the partially embedded mounting strap feature that is missing from Guardshack and Griffin '985, and therefore, when used in combination with Guardshack and Griffin '985 fails to teach that which applicants claims.

It should be noted that this Office Action objects to claims 4 and 16-18, and allows claim 20. Claims 4 and 16-18 would be allowable if rewritten in independent form including the limitations of the base claims from which they depend.

Claims 4 and 16-20 and no others, as previously or originally submitted immediately prior to this Office Action, contain the limitation of a mounting strap or straps partially embedded within the base. This limitation appears, therefore, to be the defining point rendering a claim allowable by this Office Action.

Applicants hereby amend independent claims 1 and 15 to more strongly claim mounting strap(s) partially embedded within the base, and to correct a minor grammatical error in independent claim 15 having no effect upon subject matter. Applicants

believe independent claims 1 and 15 to be allowable as amended under 35 U.S.C. 103(a) over Guardshack, Griffin '985, and Griffin '804, either severally or in combination. Applicants respectfully request reconsideration of independent claims 1 and 15.

Regarding claims 2, 6, 8-9, 11, and 14, claims 2, 6, 8-9, 11, and 14 depend, either directly or indirectly, from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claims 2, 6, 8-9, 11, and 14 to be allowable as previously and originally presented by reason of dependency. Applicants respectfully request reconsideration of claims 2, 6, 8-9, 11, and 14.

On page 6, section 7, this Office Action rejects claim 5 under 35 U.S.C. 103(a) as being unpatentable over Guardshack, Griffin '985, and/or Griffin '804 as applied to independent claim 1, and further in view of Sieben, U.S. Patent No. 1,690,461 (hereinafter Sieben).

This Office Action asserts that Guardshack, Griffin '985, and/or Griffin '804 disclose all the features of the claimed invention except for a strap engagement slot for the mounting strap. This Office Action goes on to assert that Sieben discloses such an engagement slot, and that it would have been obvious to one of ordinary skill in the art to combine Sieben with Guardshack, Griffin '985, and/or Griffin '804.

Claim 5 depends directly from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claim 5 to be allowable as originally presented by reason of

dependency. Applicants respectfully request reconsideration of claim 5.

On page 6, section 8, this Office Action rejects claim 7 under 35 U.S.C. 103(a) as being unpatentable over Guardshack, Griffin '985, and/or Griffin '804 as applied to claim 6, and further in view of Carr, U.S. Patent No. 4,026,596 (hereinafter Carr).

This Office Action asserts that Guardshack, Griffin '985, and/or Griffin '804 disclose all the features of the claimed invention except for a fixed lock tab having a tab hole. This Office Action goes on to assert that Carr discloses such a fixed lock tab with hole, and that it would have been obvious to one of ordinary skill in the art to combine Carr with Guardshack, Griffin '985, and/or Griffin '804.

Claim 7 depends indirectly from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claim 7 to be allowable as previously presented by reason of dependency. Applicants respectfully request reconsideration of claim 7.

On page 7, section 9, this Office Action rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over Guardshack, Griffin '985, and/or Griffin '804 as applied to claim 8, and further in view of Davenport.

This Office Action asserts that Guardshack, Griffin '985, and/or Griffin '804 disclose all the features of the claimed invention except for a brace. This Office Action goes on to assert that Davenport discloses such a brace, and that it would

have been obvious to one of ordinary skill in the art to combine Davenport with Guardshack, Griffin '985, and/or Griffin '804.

Claim 10 depends indirectly from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claim 10 to be allowable as originally presented by reason of dependency. Applicants respectfully request reconsideration of claim 10.

On page 7, section 10, this Office Action rejects claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Guardshack, Griffin '985, and/or Griffin '804 as applied to claim 11, and further in view of Clements et. al., U.S. Patent No. 6,203,591 (hereinafter Clements).

This Office Action asserts that Guardshack, Griffin '985, and/or Griffin '804 disclose all the features of the claimed invention except for certain end panels of the cage being formed of perforated sheet metal. This Office Action goes on to assert that Clements discloses the use of perforated sheet metal, and that it would have been obvious to one of ordinary skill in the art to combine Clements with Guardshack, Griffin '985, and/or Griffin '804.

Claims 12 and 13 depend indirectly from independent claim 1. Inasmuch as applicants believe independent claim 1 to be allowable under 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claims 12 and 13 to be allowable as originally presented by reason of dependency. Applicants respectfully request reconsideration of claims 12 and 13.

On page 8, section 11, this Office Action allows independent claim 20. Applicants have made no amendment to claim 20, so claim 20 remains allowable.

On page 8, section 12, this Office Action objects to claims 4 and 16-19 as being dependent upon rejected base claims. Claims 4 and 16-19 would be allowable if rewritten in independent form including the limitations of the base claims from which they depend.

As discussed hereinbefore, the defining point for rendering claims 4 and 16-19 appears to be the limitation of mounting straps partially embedded within the base.

Claim 4 depends directly from independent claim 1, and claims 16-19 depend, either directly or indirectly, from independent claim 15. Inasmuch as independent claims 1 and 15 have been amended to include the limitation of partially embedded mounting strap(s) and are believed to be allowable as amended under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) as discussed hereinbefore, applicants believe claims 4 and 16-19 to be allowable as previously and originally presented by reason of dependency. Applicants respectfully request reconsideration of claims 4 and 16-19.

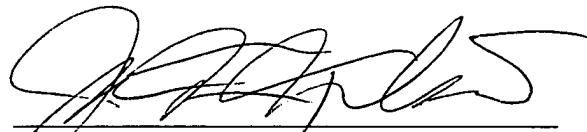
Conclusion

Accordingly, this Amendment amends independent claims 1 and 15. Currently amended claims 1 and 15 remain in the application and are believed to be allowable. In addition, claims 2, 4-14, and 16-20 remain in the application as originally and previously presented and are believed to be allowable.

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Applicants believe that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 13 April 2006 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Meschkow', written over a horizontal line.

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